

Delta Protection Commission: Thursday, March 25, 1999 at 6:30 p.m.

1. Call to Order/Attendance.

PAT: We may have a quorum problem; and will have to meet as a committee of the whole, and postpone any votes.

PAT: Call on Debby to take the roll.

2. Public Comments.

PAT: "This is the time set aside for members of the public to comment on items NOT on the agenda."

3. Minutes of the January 28, 1999 Meeting.

PAT: Needs: MOTION; and SECOND; VOICE VOTE. [Please say names of Commissioners aloud]

4. Chairman's Report, Including Resolutions of Appreciation.

PAT: I want to welcome our new Commissioners: Barbara Matthews, the Mayor Protem of Tracy is the new representative of San Joaquin County Council of Governments. Ed Simas, Supervisor from San Joaquin County will be rejoining the Commission. Ryan Broddrick has been reappointed as the representative of the Department of Fish and Game by the new Director Robert Hight. Tom Hannigan has been appointed the Director of Department of Water Resources. Ron Brean has been reappointed at the representative of the Department of Parks and Recreation by the new Director Rusty Areias--Ron recently received the Ohlmsted Award for Leadership and Vision from the Department of Parks and Recreation, given annual to one Department employee.

Upcoming Delta Events: Tours of Jepsen Prairie Preserve in far western Delta Primary Zone in Solano County to see grasslands and vernal pools: Saturdays and Sundays at 11 am through May 9.

The next meeting is scheduled for Thursday, May 27, 1999 at 6:30 p.m. here in the Jean Harvie Community Center. On that agenda is our budget and work plan for FY 99-00 and a briefing by Department of Conservation staff on the "Super Williamson Act" (Farmland Security Zones Act). I have asked Dwight Sanders to serve as a Committee of one to assist staff in preparing new ideas about our Geographic Information System and Internet site. In addition, I have asked Mike McGowan to serve as Chair of a committee to assist staff in preparation of a Strategic Plan. Once ideas are outlined, we will schedule a retreat-type meeting for the Commission to discuss the Commission's mission statement, vision for the future, and steps needed to implement that vision.

On Subcommittee meeting is scheduled: the Budget, Finance and Administrative Subcommittee will meet on Wednesday, April 28, at 4 pm in the offices of the McCarty Company.

You have in your packets a draft resolution of appreciation for Ross Sargent, our first Acting Executive Director. I would entertain a MOTION and SECOND; (needs VOICE VOTE).

5. Commissioner Comments/Announcements.

PAT: Do any of the Commissioners have general comments or announcements?

6. Attorney General's Report.

PAT: Call on Dan Siegel.

7. Executive Director's Report.

PAT: Call on MARGIT:

MARGIT:

Items in Mailing Packet:

1. Article on joint agriculture-wildlife values American Farmlands Trust Magazine.

Handouts at Meeting:

1. Revised Updated, Roster.
2. Memo from CALFED outlining "Bundles" of Actions Proposed for Year 1 and 2 Implementation.
3. Memo from American Farmlands Trust re: Iowa Right to Farm Ordinance Lawsuit.
4. Copy of October 2, 1997 letter to Corps re: Fish Screens, for Agenda Item #10.
5. Revised memo of proposed comments on CALFED's Revised Phase II Report, Agenda Item #10.
6. Flyer re: Great Valley Center Conference on May 26 and May 27

Update on Matters from the Last Meeting:

1. Survey on Pumpouts in Contra Costa County and the Delta: There is no new information

on the survey.

2. Fern Headreach Conservation Easement: There is no new information about the proposed conservation easement.
3. Annual Report: The annual report was sent for review by the Secretary of Resources and the Governor. The annual report is still at the Secretary's Office.
4. Proposed Legislation: The proposed legislative amendments have also be sent for review by the Secretary for Resources and the Governor. The proposals are still at the Secretary's Office.
5. Timeline for Processing Regulations: The Commission asked the timeline for processing regulations under the Administrative Procedures Act:

Minimum two months: Submit items listed above with Office of Administrative Law (OAL) and publish notice and mail notice of public hearing

Hold Public hearings

One to two months: If language is revised re-notice.

Take action to adopt final language.

One to two months: Prepare and submit final rulemaking file including all notices and initial documents; previous drafts; final language; final statement of reasons; summary and response to comments; copy of all comments an explanation of any rejects small business alternatives.

Six weeks: OAL review time.

One month or four months: If OAL approves, submit to Secretary of State, effective in 30 calendar days. If OAL disapproves, then agency has 120 days to rewrite and resubmit with non-substantive changes--if significant changes, then must re-notice and readopt; or if OAL disapproves, within 10 days request review by the Governor's Legal Secretary.

New Matters:

1. Attended meeting of all Directors in the Resources Agency. All legislation and reports for release must go through the Secretary and the Governor prior to release.

2. **Bradford Island and Fisherman's Cut:** Several large groupings of floating derelict vessels, barges and others items are now in Fisherman's Cut. This is off great concern to the Reclamation District which states it cannot reach the levees from the water side for maintenance and if there was an emergency for repair. In addition, there are many parcels with not to code structures and collections of junked cars and other items on the island itself. The County is spearheading a clean-up program, with what help can be provided by State and federal agencies. Issues of concern are possible leaks of hazardous materials and hazards to navigation. I have been attending meetings and went on a site visit.

3. **Ad Hoc Recreation:** CALFED recognizes that it must address recreation in its environmental document. To assist CALFED and to help develop a proactive vision for recreation in the Delta as CALFED implements its programs, a group has been meeting, and will continue to meet and hold public meetings to gather input. Participants include staff of Delta Protection Commission, Department of Boating and Waterways, Department of Parks and Recreation, representatives of boating groups, representatives of fishing groups, representatives of the Delta Chambers, and other interested parties.

4. **North Delta Flooding:** In addition, CALFED has reassigned to the director of the Levees and Channels Program and stepped up attention to the North Delta flooding issue. This topic was studied by the Department of Water Resources in the 80's and was the subject of a Draft environmental documents released in 1990. New actions associated with study and resolution of North Delta Flooding include: upstream acquisition and changes of land management underway and proposed by the Cosumnes Preserve; a Corps study of the Cosumnes and Mokelumne Rivers; a program for watershed management of the lower Mokelumne River; studies and adoption of a proposed action program by Sacramento County; and modeling and studies undertaken by CALFED staff. CALFED will be managing a committee to develop a regional solution to flooding in the North Delta area.

5. **Delta In-Channel Islands Work Group Pilot Project:** The Delta Protection Commission staff has been participating in a work group which is sponsoring a pilot project to study non-rip-rap methods of protecting and enhancing the Delta In-Channel Islands--the last remnants of the natural wetland habitat in the Delta. A Category III grant received last year has funded development of specific plans and funded environmental review and permitting for the project. The project includes using a variety of treatments on three channel islands around Webb Tract and on the eastern end of Little Tinsley Island. The group will be submitting a Category III application for funds to construct and monitor the project on April 16.

6. **Lori Calmurro and I** each attended a day of the San Francisco Estuary Project Biennial Conference. The theme was "the Rehabilitation of the Estuary and its Watersheds". Very Interesting and a lot of discussion of the problems and proposed solutions to the degraded habitat issues which are the core of the CALFED Ecosystem Restoration Program.

7. Lori Clamurro attended a Mitten Crab Workshop in Sacramento. Several agencies are working together to draft a management plan to prevent additional spreading of the Crab population, to detect additional populations, to reduce impacts of the crabs, and to control the existing population. The draft management plan will be presented to the federally-chartered Aquatic nuisance Species Task Force in June for consideration of possible funding.

Other Matters of Interest:

1. The January-February Issue of Western Water covers "CALFED and the Delta Fix" (contact Water Education Foundation (916)444-6240).

2. Right to Farm Ordinance in Iowa was the subject of a lawsuit and the Iowa Supreme Court (Borman v Board of Supervisors (584 N.W.2d 309)) declared that the State's right to farm law was an unconstitutional "taking" of private property because the law immunizes farmers against nuisance suits by neighbors. On February 22, 1999, the U.S. Supreme Court let the decision stand by denying certiorari.

8. **Pending Projects Memo, Pending Category III Projects Memo, Legislative Update Memo.**

PAT: These three memos are for Commission information only; are there any questions?

9. **Review and Approval of Contract Between Delta Protection Commission and CALFED for Participation in the Delta Dredging and Reuse Strategy Study.**

PAT: Call on MARGIT.

MARGIT: The Delta Protection Commission has been asked to participate in a CALFED Category III grant funded study of the reuse of material dredged within the Delta for uses within the Delta such as levee repair and strengthening, and habitat enhancement. The total grant is for \$500,000; the Commission's contract would be for \$24,000 over two years. The rest of the grant will be split between the Department of Fish and Game and the Central Valley Regional Water Quality Control Board. These funds would reimburse the Commission for staff time spent on the administrative portion of the study--setting up meetings, taking minutes of the meetings, preparing and duplicating agendas, duplicating and mailing staff reports, and handling travel expense claims from the "public" members of the 12-member oversight panel. Reimbursable expenses would not begin until FY 99-00 (July 1, 1999).

PAT: Are there any questions for staff?

PAT: Are there any public comments?--Open Public hearing; Close public hearing.

PAT: Bring matter to Commission for discussion. If none , entertain MOTION; SECOND; needs VOICE VOTE.

PAT: The Delta Protection Commission will need to appoint a representative to sit on the 12 member oversight panel. Staff will contact each Commissioner, and we will make the final decision at the May meeting. If you are interested, please contact me or Margit. This is a one half day a month commitment for approximately two years.

10. **Briefing and Possible Position on CALFED Revised Phase II Report, December 18, 1998.**

PAT: Call on MARGIT.

MARGIT: Mr. Chairman, the Commission received a briefing on the Revised Phase II Report at the January meeting. You have before you recommendations from staff and the CALFED Subcommittee on comments on to forward to CALFED. A second memo was distributed at tonight's meeting which adds changes recommended by the CALFED Subcommittee. Generally, there are positive comments on many "big" issues--possible impacts to Delta agricultural land, working on ecosystem enhancement projects on publicly owned land first, etc. There are a number of more minor issue areas where the Commission may want to forward suggestions for additional study or analysis prior to release of the Revised Draft environmental document.

PAT: Call on Steve Mello, Chair of the CALFED Subcommittee.

PAT: Any question of staff?

PAT: Any public comments--Open public hearing, Close public hearing.

PAT: Return to Commission for discussion. Entertain MOTION and SECOND; needs VOICE VOTE only.

11. **Briefing and Public Workshop on Proposal of Cosumnes Preserve to Acquire and Modify Management of McCormack Williamson Tract, Sacramento County.**

PAT: Call on MARGIT.

MARGIT. Thank you. As you know, Lester Snow the Director of CALFED has asked the Commission to provide a forum for public review of CALFED funded projects in the Delta; this is the first such project brought before the Commission. The information in the staff report was prepared using the format reviewed and accepted by the Commission last July. Tonight, Mike Eaton of the Cosumnes Preserve staff will brief the Commission on status of acquisition of McCormack Williamson Tract and preliminary concepts being developed for study. The goals are to manage the Tract to enhance both flood control for the North Delta area and to provide

enhanced habitat values in conformance with the CALFED's overall goals for the Delta. Commission and public comments will be incorporated into the project development process. Portions of the project have received funding from CALFED Category III grants.

PAT: Any Commission questions for staff, and then we will hear from Mike Eaton.

PAT: Call on MIKE EATON.

PAT: Any Commission questions for Mike Eaton?

PAT: Open the floor to public comment. Close the public comment period.

PAT: Return the item to the Commission for discussion and direction to staff on drafting summary of issues and comments to forward to Nature Conservancy/Cosumnes Preserve and to CALFED.

12. **Election of Officers.**

13. **Adjournment.**